JW/24/3

83

Previous references.
Cb 255-08.

1911
~~1910~~.
(Legislation)

File No. 56-11

Serial Nos. /

Later references.

P-11

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. /

Part B. for July 12.

SUBJECT.

Amendment of the Savings Bank Act so as to exempt from the payment of Court Fees obtain certificates under the Succession Certificate Regulation.

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1) To the D.C. Ilgoone nos 1838 19th July 1912
Intimates that Govt consider that the amendment of the Savings Bank Act already passed would mitigate the evil ~~caused~~ if any

G. R. S. 58

Kudaowan
24/7/12

G.R.S. 11]

1911-12

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES

File No. 56-11

FILE HEADING.

Amendment of the Savings Banks Act-
1873 so as to exempt from payment of court
fee the certificates under the Succession
certificate Rules granted under the Rule of Survivorship
From (G.R. A. 2 of 1911)

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

B
25/12

NOTES—First Sheet.

P.T.O

GPB—30,000—27-6-11

SUBJECT No. 26.

Amendment of the Savings Bank Regulation.

Mr. B. Narasinga Rao, Seringapatam Municipality.

Summary of discussion.—The obligation to obtain a certificate under the Succession Certificate Regulation to collect a debt applies only to the debts claimed by a person by right of succession and not by right of survivorship. If the money is deposited in the Savings Bank in the name of an undivided coparcener of a Hindu family, and if the depositor dies, unless the amount deposited be Rs. 1,000 or less, the Secretary of the Bank has no authority to pay the amount to the person appearing before him and entitled to receive the same. If the amount in deposit is above Rs. 1,000, the production of a certificate is obligatory. Section 8 of the Government Savings Banks, Act exempts the payment of court fee if the amount does not exceed Rs. 1,000. In other cases 2 per centum on the amount claimed is required to be paid, which is a great harasnip. It is therefore prayed that if the certificate is applied for and granted under the rule of survivorship, such certificates may be exempted from the payment of court fee irrespective of the amount claimed.

Reply of Government.—Will be considered.

Subject for orders with reference to
MS (Law)
28/5/12 SW(G)

Though the Succession may be by the rule of Survivorship and not by inheritance a Certificate of Heirship should be obtained to recover deposits of more than Rs 1000/- in value as there is a Special Statutory obligation to that Effect

G. R. S. 12]

General and Revenue Secretariat.

Ls6 File No. 1576 of 1911

Serial No.

2. Sec 4 of the Savings Banks Act authorises the Secretary of the Bank to make payments of deposits of less than ~~Rs~~ 1000/- without insisting on the production of a Certificate of heirship or letter of administration if such Certificate or letter of ~~administration~~ is not produced within three months of the death of the depositor. Nothing is stated in the Act expressly about the payment of deposits ~~of Rs 1000/-~~ and above but the intention is Evident that a legal authority to recover such deposits should be demanded in all such cases. In fact the provisions of the Indian Succession Act and of the Act of 1860 (for facilitating the collecting of debts on Successions) which were in operation when the Indian Savings Bank Act was passed would have made such a result inevitable

3 But the Courts have introduced an innovation. It has now been held in a long Course of decisions

NOTE—Contn. sheet.

GBB—20,000—20-1-12

J. R. S. 12]

General and Revenue Secretariat. | Leg. File No. 57 of 191(

Serial No.

that a Certificate of heirship is necessary for recovery of debts only where the Succession to the deceased man is by intestate and not by the rule of Survivorship In the latter class of Cases the Courts have been granting decrees in favour of Creditors Even without any kind of Certificate or authority ~~in favour~~

4 But in regard to Savings Bank deposits of about ~~to~~ 1000/- the Treasury officers are insisting - and rightly - on the production of a Certificate of heirship Even though the claim ~~may~~ might ~~have been~~ be based on Survivorship - As otherwise they could not be sure of obtaining a full and valid discharge Mr Narasimhan now asks that the Court fee leviable in respect of such Certificates may be remitted

5 The analogy of Sec 8 of the Savings Banks Act does not seem to apply as the Exemption there is based on the presumed poverty of the depositor's heirs Nor can any other Equitable Consideration be invoked in aid of

NOTE—Contn. sheet.

GBB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat. | Fo File No. 56 of 191

Serial No.

(1) 6 The claimants under Consideration, class of ~~the Courts do ask assistance in the interpretation of friendship and Succession by applying~~ the recent amendment of the Savings Banks Act so as to provide for nomination mitigates the hardship if any of the Existing rule.

7 The question is mainly one of revenue to Govt

29/6/12

See 1 8 I don't think any change in the rules in force is called for.

25/6/12

1st Commissioner, Darjeeling

9 I agree.

27/6/12

2028
28-6-12

22
27/6

10 Agree - The D.M. may be informed as at (A)

4/7/12

22

4/7/12 Ch

NOTE—Contn. sheet.

GPB—20,000—20-1-12

[R. S. 12]

General and Revenue Secretariat.

Legs. File No. 56 of 1911-12

Serial No.	
11	Submitted with a draft order (s8) (W(4) 9/7/12 12 Seen as revised Please keep a fair draft on the file 13/7/12
1	No. G. 183 dated 19/7/12 to D. C. Mysore for communication to the member who moved the subject. Orders that the recent amendment to the Savings Banks Act provides for nomination and that therefore no change in the rules in force is called for.

GBB—20.000—20-1-12

G.R.S. 28]

6/7

Rough Copy

Legs

(1)

File No. 56-11

Serial No. 1

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, *the* 19

Date of issue

Signed by

READ— Subject No 26 of the ~~Proceedings of the~~ Representation Proceedings of the Assembly for 1911, regarding the amendment of the Savings Bank Regulation

Here enter subject and reference

ORDER THEREON.—No. J183 & 19-7-12

~~The Govt are pleased~~ ~~to Accept~~ ~~that to the~~ The Savings Banks ~~Act~~ Regulation, 1873 has recently been amended by Regn ~~No~~ of 1911 so as to

over.

SUBJECT.

GPB—10,000 - 29-9-10

Ved

(2)

enable ~~the~~ depositors to appoint ~~a~~ a nominee in all cases, they see no reason to ~~introduce~~ further amend the Regulation on the lines proposed

Secretary to Govt

Dy Sec

The Deputy Commissioner Mysore &c for communication to the member in charge who moved the subject in the Assembly, and the Deputy Commissioners of other districts

Copy to the Sasane Section

DN (11)

The recent amendment of the J. B. Act so as to provide for nomination mitigates the hardship ~~felt~~ if any ~~exist~~ Govt ~~are~~ they Consider that no change in the rules in force is called for

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d:-

Subject No. 26 of the Representative Assembly Proceedings of 1911, regarding the amendment of the Savings Bank Regulation.

Subject No. 26

Amendment of the Savings Bank Regulation.

Mr. B. Narasinga Rao, Serangapatam Municipality.

Summary of discussion.- The obligation to obtain a certificate under the succession Certificate Regulation to collect a debt applies only to the debts claimed by a person by right of succession and nor by right of survivorship. If the money is deposited in the Savings Bank in the name of an undivided Coparcener of a Hindu Family, and if the depositor dies, unless the amoun deposited be Rs.1,000 or less the Secretary of the Bank has no authority to pay the amount to the person appearing before him and entitled to receive the same. If the amount in deposit is above Rs.1,000, the production of a certificate is obligatory. Section 8 of the Government Savings Banks Act, exempts the payment of court fee if the amount does not exceed Rs.1,000. In other cases 2 per centum om the amount claimed is required to be paid, which is a great hardship. It is therefore prayed that if the certificate is applied for and granted under the rule of survivorship, such certificates may be exempted from th the payment of court fee irrespective of the amount claimed.

Reply of Government.- Will be considered.

Order thereon:- No. J 183/Legis 56-11

Dated Bangalore 19th July 1912.

The recent amendment of the Savings Bank Act so as to provide for nomination mitigates the hardship if any.

Government

Government therefore, consider that no change in the rules in force is called for.

S Srinivasaiya

In offg. Secretary to Government.

SN

To

The Deputy Commissioner, Mysore District for communication to the member who moved the subject in the Assembly.

B.V.